

Environmental Protection Agency

§ 355.20

§ 355.14 Do I have to aggregate extremely hazardous substances to determine the total quantity present?

You must aggregate (*i.e.*, add together) the amounts of each EHS at your facility to determine if a TPQ is present. This means that, for a particular EHS, you must determine the total amount present at any one time at your facility by adding together the quantity of pure EHS and the quantity contained in all mixtures, regardless of location, number of containers, or method of storage. You do not have to count an EHS in a mixture if the concentration of that EHS is less than or equal to one percent.

§ 355.15 Which threshold planning quantity do I use for an extremely hazardous substance present at my facility in solid form?

EHSs that are in solid form are subject to one of two different TPQs (for example, TPQs may be listed as 500/10,000 pounds), both of which are listed in Appendices A and B of this part. Here is how to determine which of the two listed TPQs you must use for an EHS present at your facility in solid form:

- (a) Use the lower TPQ from Appendices A and B of this part if the solid:
 - (1) Is in powdered form and has a particle size less than 100 microns;
 - (2) Is in solution;
 - (3) Is in molten form; or
 - (4) Meets the criteria for a National Fire Protection Association (NFPA) rating of 2, 3 or 4 for reactivity.

Note to paragraph (a): Use the instructions in § 355.16 to calculate the quantity present for the categories of solids listed in paragraphs (a)(1), (2) and (3) of this section.

(b) If the solid does not meet one of the criteria in paragraph (a) of this section, then the TPQ is 10,000 pounds.

§ 355.16 How do I determine the quantity of extremely hazardous substances present for certain forms of solids?

For the three forms of solids that are listed in § 355.15(a)(1) through (3), use these instructions to determine the quantity of extremely hazardous substance present:

- (a) *Solid in powdered form with a particle size less than 100 microns.* Multiply the weight percent of solid with a particle size less than 100 microns in a particular container by the total weight of solid in the container.
- (b) *Solid in solution.* Multiply the weight percent of solid in solution in a particular container by the total weight of solution in the container.
- (c) *Solid in molten form.* Multiply the weight of solid in molten form by 0.3.

HOW TO COMPLY

§ 355.20 If this subpart applies to my facility, what information must I provide, who must I submit it to, and when is it due?

Use this table to determine the information you must provide, who to provide it to, and when:

What types of emergency planning notification are required?	What information must I provide?	To whom must I provide the information?	When must I provide the information?
(a) Emergency planning notification.	You must provide notice that your facility is subject to the emergency planning requirements of this subpart.	To the SERC and the LEPC ..	Within 60 days after your facility first becomes subject to the requirements of this subpart. If no LEPC exists for your facility at the time you are required to provide emergency planning notification, then you should report to the LEPC within 30 days after an LEPC is established for the emergency planning district in which your facility is located.

What types of emergency planning notification are required?	What information must I provide?	To whom must I provide the information?	When must I provide the information?
(b) Facility emergency coordinator.	You must designate a facility representative who will participate in the local emergency planning process as a facility emergency response coordinator. You must provide notice of this facility representative.	To the LEPC (or the SERC if there is no LEPC, or the Governor if there is no SERC).	Within 60 days after your facility first becomes subject to the requirements of this subpart. If no LEPC exists when you first report, then provide an additional report to the LEPC within 30 days after such LEPC is established for the emergency planning district in which your facility is located.
(c) Changes relevant to emergency planning.	You must provide notice of any changes occurring at your facility that may be relevant to emergency planning.	To the LEPC	Within 30 days after the changes have occurred.
(d) Requested information	You must provide any information necessary for developing or implementing the local emergency plan if the LEPC requests it.	To the LEPC	Promptly. Note: The LEPC may specify a time frame for this information.

§ 355.21 In what format should the information be submitted?

EPA does not require any specific format. EPA recommends that you submit the information described in § 355.20 in writing in order to insure appropriate documentation. The SERC or LEPC may request that this information be submitted in a specific format.

Subpart C—Emergency Release Notification

WHO MUST COMPLY

§ 355.30 What facilities must comply with the emergency release notification requirements of this subpart?

You must comply with the emergency release notification requirements in this subpart if both of these two conditions are met:

- (a) You produce, use, or store a hazardous chemical at your facility; and
- (b) You release a reportable quantity (RQ) of any EHS or of a hazardous substance as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA Hazardous Substance) at your facility. Certain releases are exempted from these requirements. Exempted releases are listed in § 355.31.

Note to paragraph (b): In addition to the emergency release notification requirements of this subpart, releases of CERCLA hazardous substances are sub-

ject to the notification requirements under CERCLA. This is explained further in subpart D of this part.

§ 355.31 What types of releases are exempt from the emergency release notification requirements of this subpart?

You do not have to provide emergency release notification under this subpart for any of the following six types of releases of EHSs or CERCLA hazardous substances that occur at your facility:

- (a) Any release that results in exposure to persons solely within the boundaries of your facility.
- (b) Any release that is a federally permitted release as defined in section 101(10) of CERCLA.
- (c) Any release of a pesticide product that is exempt from reporting under section 103(e) of CERCLA.
- (d) Any release that does not meet the definition of release under section 101(22) of CERCLA and is therefore exempt from CERCLA section 103(a) reporting.
- (e) Any radionuclide release that occurs:
 - (1) Naturally in soil from land holdings such as parks, golf courses, or other large tracts of land.
 - (2) Naturally from land disturbance activities, including farming, construction, and land disturbance incidental to extraction during mining activities, except that which occurs at uranium,